

1 Kevin J. Curtis, WSBA No. 12085
 2 WINSTON & CASHATT, LAWYERS, a
 3 Professional Service Corporation
 4 601 W. Riverside, Ste. 1900
 Spokane, WA 99201
 Telephone: (509) 838-6131

5 Charles L. Babcock IV (*admitted pro hac vice*)
 6 cbabcock@jw.com

7 Texas Bar No. 01479500

8 William J. Stowe (*admitted pro hac vice*)

9 wstowe@jw.com

10 Texas Bar No. 24075124

11 JACKSON WALKER L.L.P.

12 1401 McKinney Street

Suite 1900

13 Houston, Texas 77010

14 (713) 752-4360 (telephone)

(713) 308-4116 (facsimile)

15 Attorneys for Defendants International Data
 16 Group, Inc., CXO Media, Inc. and Steve Ragan

17
 18 UNITED STATES DISTRICT COURT
 19 EASTERN DISTRICT OF WASHINGTON
 20

21 RIVER CITY MEDIA, LLC, a Wyoming
 22 limited liability company, MARK
 23 FERRIS, an individual, MATT FERRIS,
 an individual, and AMBER PAUL, an
 individual,

Plaintiffs,

vs.

No. 2:17-cv-105-SAB

DEFENDANTS INTERNATIONAL DATA
 GROUP, INC.'S, CXO MEDIA, INC.'S,
 AND STEVE RAGAN'S RESPONSE TO
 PLAINTIFFS' MOTION TO STRIKE
 DEFENDANTS' SUPPLEMENTAL
 AUTHORITIES IN RESPONSE TO
 COURT QUESTION POSED AT AUGUST
 16, 2017 HEARING

24 IDG'S, CXO MEDIA, INC.'S, AND STEVE RAGAN'S,
 RESPONSE TO PLAINTIFFS' MOTION TO STRIKE
 DEFENDANTS' SUPPLEMENTAL AUTHORITIES IN
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 A PROFESSIONAL SERVICE CORPORATION
 1900 Bank of America Financial Center
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1 KROMTECH ALLIANCE
 2 CORPORATION, a German corporation,
 3 CHRIS VICKERY, an individual, CXO
 4 MEDIA, INC., a Massachusetts
 5 corporation, INTERNATIONAL DATA
 6 GROUP, INC., a Massachusetts
 7 corporation, and STEVE RAGAN, an
 8 individual, and DOES 1-50,

Defendants.

Without Oral Argument
 Hearing Date: September 22, 2017
 Spokane, Washington

8 Defendants International Data Group, Inc. (“IDG”), CXO Media, Inc. (“CXO”),
 9 and Steve Ragan (“Ragan”) respectfully submit this response to “Plaintiffs’ Motion to
 10 Strike Defendants’ Supplemental Authorities in Response to Court Question Posed at
 11 August 16, 2017 Hearing and Request for Attorney’s Fees Or, In the Alternative, Request
 12 for Leave to File Opposing Supplemental Authorities” (ECF 57).

14 This Court asked counsel for IDG, CXO, and Ragan during last week’s hearing
 15 (August 16, 2017) a question to which he did not know the answer – specifically, whether
 16 RCW § 23.95.505 applies in federal courts. We researched the Court’s question and
 17 provided that answer in a prompt fashion because we thought it was important to the
 18 overall question of whether Plaintiffs’ complaint should be dismissed pursuant to the
 19 pending motions. If the answer had been known and stated to the Court at the hearing,
 20 we presume that Plaintiffs would have had no objection.

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1 As it is, IDG, CXO, and Ragan have no objection to Plaintiffs providing authority
 2 that contradicts what we have provided to the Court, although we are unaware of any
 3 such authority.
 4

5 Plaintiffs' argument that the authorities provided by IDG, CXO, and Ragan were
 6 "improper under Local Rule 7.1" finds no support in Local Rule 7.1, which says nothing
 7 about prohibiting an answer to a question proposed by the Court at a hearing. Plaintiffs'
 8 reliance on a ***Western*** District of Washington local rule regarding *surreplies* also does
 9 not further its cause, nor does a case addressing surreplies. IDG's, CXO's, and Ragan's
 10 filing simply provided an answer to the question posed by the Court at the hearing.
 11

12 Further, IDG, CXO, and Ragan strenuously oppose Plaintiffs' demand for
 13 attorney's fees. There is simply no basis for it. Plaintiffs' recitation of the Court's
 14 **inherent powers to sanction** – particularly in a situation like this, where IDG, CXO, and
 15 Ragan were simply providing an answer to the Court's question – shows that Plaintiffs
 16 are completely untethered to any notion of when sanctions are appropriate or the
 17 seriousness of requesting them. *See Primus Auto. Fin. Servs., Inc. v. Batarse*, 115 F.3d
 18 644, 649 (9th Cir. 1997) (noting such "sanctions should be reserved for the 'rare and
 19 exceptional case where the action is clearly frivolous, legally unreasonable or without
 20 legal foundation, or brought for an improper purpose.'") (citation omitted). There
 21 certainly is no bad faith, which is a required finding. *See id.* at 650 ("Because the district
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court's inherent powers are so potent, we require courts levying sanctions to assess an attorney's individual conduct and to make an explicit finding that he or she acted in bad faith.”).

As noted, IDG, CXO, and Ragan do not opposing Plaintiff filing a response to the authorities submitted to the Court by IDG, CXO, and Ragan. In all other respects, Plaintiffs' Motion to Strike should be denied.

Respectfully submitted this 24th day of August, 2017.

s/Kevin J. Curtis, WSBA No. 12085
 WINSTON & CASHATT, LAWYERS
 601 W. Riverside, Ste. 1900
 Spokane, WA 99201
 (509) 838-6131
 Facsimile: (509) 838-1416
 E-mail Address: kjc@winstoncashatt.com

Charles L. Babcock IV (*admitted pro hac vice*)
 cbabcock@jw.com
 Texas Bar No. 01479500
 William J. Stowe (*admitted pro hac vice*)
 wstowe@jw.com
 Texas Bar No. 24075124
 JACKSON WALKER L.L.P.
 1401 McKinney Street
 Suite 1900
 Houston, Texas 77010
 (713) 752-4360 (telephone)
 (713) 308-4116 (facsimile)

Attorneys for Defendants International Data Group, Inc., CXO Media, Inc. and Steve Ragan

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1 I hereby certify that on August 24, 2017, I electronically filed the foregoing with
2 the Clerk of the Court using the CM/ECF System which will send notification of such
3 filing to the following:
4

5 Jason E. Bernstein - jake@newmanlaw.com
6 Leeor Neta (*admitted pro hac vice*) - leeor@newmanlaw.com
7 Attorneys for Plaintiffs

8 Christopher B. Durbin - cdurbin@cooley.com
9 Matthew D. Brown (*admitted pro hac vice*) - brownmd@cooley.com
10 Amy M. Smith (*admitted pro hac vice*) - amsmith@cooley.com
11 Attorneys for Defendant Kromtech Alliance Corporation

12 Aaron Rocke - aaron@rockelaw.com
13 Attorney for Defendant Chris Vickery

14
15 s/Kevin J. Curtis, WSBA No. 12085
16 WINSTON & CASHATT, LAWYERS
17 Attorneys for Defendants International Data
18 Group, Inc., CXO Media, Inc. and Steve Ragan
19 601 W. Riverside, Ste. 1900
20 Spokane, WA 99201
21 (509) 838-6131
22 Facsimile: (509) 838-1416
23 E-mail Address: kjc@winstoncashatt.com

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